

Message

From: Engelman-Lado, Marianne [marianne.engelman-lado@yale.edu]
Sent: 3/13/2019 8:17:35 PM
To: McGhee, Debra [mcghee.debra@epa.gov]
CC: Dorka, Lilian [Dorka.Lilian@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Covington, Jeryl [Covington.Jeryl@epa.gov]; Stein, Jonathan [Stein.Jonathan@epa.gov]; Biffi, Betsy [Biffi.Betsy@epa.gov]; Rhodes, Julia [Rhodes.Julia@epa.gov]
Subject: Re: Follow Up re Ashurst Bar/Smith Community Organization Call

Debra,

Thanks for the email. Sorry for my delay: I'm in Uniontown, Alabama, and email is intermittent.

I'll check with the group and get back to you asap.

Sincerely,

Marianne

From: "McGhee, Debra" <mcghee.debra@epa.gov>
Date: Wednesday, March 13, 2019 at 10:57 AM
To: Marianne Engelman Lado <marianne.engelman-lado@yale.edu>
Cc: "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Rhines, Dale" <rhines.dale@epa.gov>, "Temple, Kurt" <Temple.Kurt@epa.gov>, "Covington, Jeryl" <Covington.Jeryl@epa.gov>, "Stein, Jonathan" <Stein.Jonathan@epa.gov>, "Biffi, Betsy" <Biffi.Betsy@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>
Subject: Follow Up re Ashurst Bar/Smith Community Organization Call

Hello Marianne --

Thank you for your email following our call earlier this month. We would like to set up a 30 minute call with you and your colleagues to discuss your first two questions and it looks like the week of March 25 would work for EPA folks. Hopefully that works for you as well.

If you could supply us with a few times during that week – March 25 to 28 – that would work for your group, it would help with our planning.

Thanks in advance for your attention to this matter.

Debra E. McGhee

Team Lead

External Civil Rights Compliance Office

Office Phone: 202-564-4646

“Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.” ~ ~ Martin Luther King, Jr. , 18th April, 1959

From: Dorka, Lilian
Sent: Tuesday, March 5, 2019 3:47 PM
To: Engelman-Lado, Marianne <marianne.engelman-lado@yale.edu>

Cc: Leah Aden <LAden@naacpldf.org>; Anuja Thatte <athatte@dnfllp.com>; Ron Smith <broron.smith894@gmail.com>; Biffi, Betsy <Biffi.Betsy@epa.gov>; Phyllis Gosa <rphgosa@yahoo.com>; Stein, Jonathan <Stein.Jonathan@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Jonathan J. Smith <jjsmith@earthjustice.org>; Suzanne Novak <snovak@earthjustice.org>; McGhee, Debra <mcghee.debra@epa.gov>; Louis Fisher <lfisher@naacpldf.org>; Hoshijima, Yume <yume.hoshijima@yale.edu>; Northrop, Caleb <caleb.northrop@yale.edu>

Subject: RE: Follow Up re Ashurst Bar/Smith Community Organization Call

Hello Marianne,

Thank you for your email. We will get back to you as soon as possible with respect to your questions 1 and 2 related to our resolution of Complaint #16R-17-R4. The FOIA filed by NAACP-LDF is being handled through our FOIA process and not the focus of our conversation on February 26th. As such, the requester should continue to communicate with our points of contact on that FOIA, Jonathan Stein and Kurt Temple.

Thank you, Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

From: Engelman-Lado, Marianne <marianne.engelman-lado@yale.edu>

Sent: Tuesday, March 5, 2019 3:12 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Biffi, Betsy <Biffi.Betsy@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Cc: Leah Aden <LAden@naacpldf.org>; Anuja Thatte <athatte@dnfllp.com>; Ron Smith <broron.smith894@gmail.com>; Phyllis Gosa <rphgosa@yahoo.com>; Jonathan J. Smith <jjsmith@earthjustice.org>; Suzanne Novak <snovak@earthjustice.org>; Louis Fisher <lfisher@naacpldf.org>; Hoshijima, Yume <yume.hoshijima@yale.edu>; Northrop, Caleb <caleb.northrop@yale.edu>

Subject: Follow Up re Ashurst Bar/Smith Community Organization Call

Dear Director Dorka and participants in the call regarding Tallassee from ECRCO and OGC,

We would like to thank you for speaking with the Ashurst Bar/Smith Community Organization and our legal team last week.

We want to convey that we have serious concerns that the Alabama Department of Environmental Management continues to violate federal civil rights law. We also remain concerned about EPA's investigation and resolution of the Ashurst Bar/Smith Community Organization's 2017 civil rights complaint.

During the call, we identified three items for follow-up.

1. Debra McGee will share additional information relating to ECRCO's selection of the two comparator landfills, Eastern Area and Pineview, that were described in the closure letter. In particular, we are interested in understanding the selection criteria used to identify these two comparator landfills and whether these two landfills were the only ones that met EPA's criteria. If not, we would like to understand which other landfills were identified, and why or why not any other landfills were used for comparative purposes.

2. EPA is following up with the Region 4 office about the (a) underenforcement of daily cover requirements at the Stone's Throw Landfill, as recognized in the 2018 closure letter, and (b) ADEM's civil rights compliance more generally, concerns about which EPA identified in a 2017 closure letter of the 2003 complaint. We are eager to hear whether Region 4 will take any action or if there are any next steps that residents of the Ashurst Bar/Smith Community can take to address ADEM's failure to enforce permit provisions. As the 2018 closure letter noted, this failure has adverse impacts on the community.
3. Louis Fisher (NAACP LDF) has followed up with Kurt Temple about the August 14, 2018 Freedom of Information Act request that seeks information about how EPA assesses causation in the Title VI context. The rationales identified in ECRCO's 2018 closure letter prompts ABSCO to have continued questions about how causation is assessed and implemented in Title VI investigations. We hope and expect that EPA will release responsive records as soon as possible and, as requested, even if on a rolling basis.

We appreciate your attention to these items and look forward to hearing more about them.

Sincerely,

Marianne

Marianne Engelman Lado
Lecturer
Yale School of Forestry & Environmental Studies
Yale School of Public Health
Of Counsel
Poverty & Race Research Action Council

Ex. 6 Personal Privacy (PP)

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Yume Hoshijima
Joint J.D./M.E.M. 2019
Yale Law and Yale F&ES
yume.hoshijima@yale.edu (until July 31, 2019)

Ex. 6 Personal Privacy (PP) (after July 31, 2019)